

## **REMARKS**

Applicants have carefully reviewed the first Office Action on the merits, dated December 9, 2009, in which claims 1-14 are pending and have been rejected. Favorable further consideration is requested in light of the above amendments and following remarks.

### ***Claim Amendments***

Claims 1, 2, 7 and 8 have been amended. Support for the claim amendments may be found, for example, in Figure 5 and the accompanying portions of the specification. No new matter has been introduced.

### ***Claim Rejections—35 USC 112***

Claim 2 was rejected under 35 USC 112, second paragraph as being indefinite. Specifically, the phrase “other embodiments may be preferred” was objected to. In response, this claim has been amended to remove this phrase. Accordingly, applicant requests that the rejection be withdrawn.

### ***Claims Rejections—35 USC 102***

Claims 1, 3-10 and 12-14 were rejected under 35 USC 102(b) as being anticipated by Norgaard, USPN 4,943,827. Applicant respectfully traverses this rejection because Norgaard does not teach all the elements of the claimed invention.

For example, claim 1 recites “a forward portion having a slot arranged to engage with a seat belt designed as a lap restraint.” The only slot on the forward portion of Norgaard is slot 22. This slot is for strap 24, whose end 26 is positioned through slot 22 to be fastened in place by fastener 20. Col. 4, ll. 16-22. Thus slot 22 is already in use and cannot be used to engage with a seat belt designed as a lap restraint. Moreover, slot 22 leads into an interior portion of the device of Norgaard and for this additional reason cannot be used to engage with a seat belt designed as a lap restraint as claimed. For at least these reasons, therefore, applicants submit that claim 1 is not anticipated by Norgaard. As claims 3-7 depend from one of claim 1 and contain additional elements, these claims are also not anticipated by Norgaard for at least the reasons discussed above.

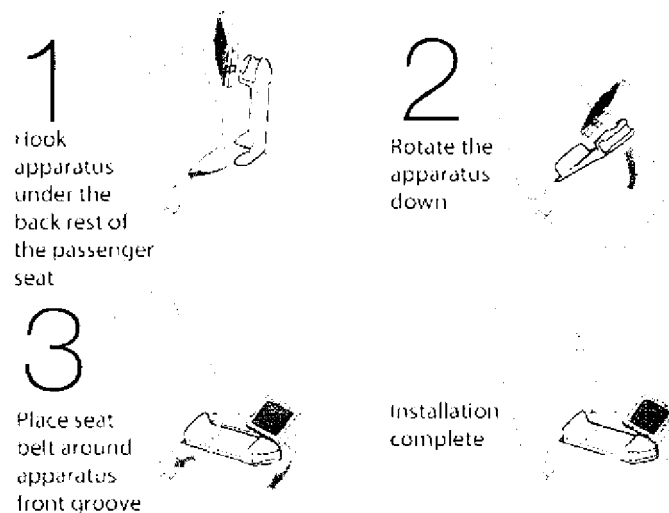
Independent claim 8 recites “the securing means comprises a belt retainer for retaining a lap restrain belt associated with the passenger seat.” As discussed above, Norgaard does not disclose a belt retainer for retaining a lap restrain belt associated with the passenger seat. For at least this reason, therefore, applicants submit that claim 8 is not anticipated by Norgaard. As claims 9-10 and 12-14 depend from claim 8 and contain additional elements, applicant submits that these claims are allowable over Norgaard as well.

Claims 1, 8 and 11 were rejected under 35 USC 102(b) as being anticipated by Demtchouk, USPN 6,135,546. Applicants respectfully traverse the rejection because Demtchouk does not teach each and every element of the invention of these claims.

Claim 1 recites “a rear portion having a slot member disposed between a first retaining element and a second retaining element, wherein the slot member is utilizable to engage the seat back in use by inserting the first retaining member into an opening disposed between the seat back and the seat base and pivoting the rear portion against the seat back on the slot member.” Demtchouk discloses only straps to attach the device to the seat. As such, Demtchouk does not teach a rear portion as claimed. Accordingly, applicant submits that claim 1 is allowable over Demtchouk.

Independent claim 8 recites “a slot member disposed between a first retaining element and a second retaining element for engaging a rear surface of the passenger seat and engaging an end of a back support part of the passenger seat in use by allowing the first retaining element to be inserted into an opening disposed between the seat back and the seat base and pivoting the rear portion against the seat back on the slot member to engage the seat back into the slot member.” Demtchouk does not disclose first and second retaining elements as claimed. Elements 17 and 18, cited by the Examiner as the rear portion retaining elements, are straps and thus do not correspond to the first and second retaining elements of amended claim 8, which define a slot member. Accordingly, applicant submits that claim 8 is allowable over Demtchouk. As claim 11 depends from claim 8 and contains additional elements, applicants submit that this claim is allowable as well.

Further, claim 1 recites “a rear portion having a slot member disposed between a first retaining element and a second retaining element, wherein the slot member is utilizable to engage the seat back in use by inserting the first retaining member into an opening disposed between the seat back and the seat base and pivoting the rear portion against the seat back on the slot member such that secure engagement is achieved to resist motion of the device relative to the seat, irrespective of whether there is correct and effective engagement of the seat belt.” Independent claim 8 recites similar elements. These features may be seen in the application with reference to Figures 4 and 5, which disclose a vehicle seat mounting portion having a rear portion arranged to engage a vehicle seat by rotating the rear portion into an engagement position with the vehicle seat back. This concept is further illustrated by the diagram below.



Applicant respectfully submits to the Examiner that none of the cited prior art documents include such a feature, and that the claims are allowable for this additional reason.

#### ***Claim Rejections—35 USC 103***

Claim 2 is rejected under 35 USC 103(a) as being anticipated by Norgaard in view of Tucker, USPN 3,388,886. Applicants respectfully traverse the rejection.

As discussed above, Norgard fails to teach “a forward portion having a slot arranged to engage with a seat belt designed as a lap restraint” as claimed in claim 1. Tucker, which is directed to a package tethering device comprised in large part of a single cord, also fails to teach this feature. Therefore, when all words in the claim are properly considered, it can be seen than claim 2 is patentable over the cited combination.

In view of the foregoing, all pending claims are believed to be in condition for allowance. Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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